

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTOLIN GARCIA-MANZANARES,)	
)	
Petitioner,)	
)	
v.)	1:17CV566
)	1:15CR338-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On July 17, 2019, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. (ECF Nos. 110, 111). Petitioner filed objections, (ECF No. 117), to the Recommendation within the time limit prescribed by Section 636.

The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's, (ECF No. 110), which is affirmed and adopted.

To the extent Petitioner attempts to raise new claims in his objections, he has failed to file a separate Motion to Amend, and his attempt to amend his claims in his objections is improper. In addition, he has failed to present any basis for his failure to timely or properly assert those claims. Moreover, to the extent he now claims actual innocence, the new claims are without merit; to the extent he raises new challenges to the voluntariness of his plea, the claims are directly contradicted by his statements to the Court under oath during the Plea Hearing.

IT IS THEREFORE ORDERED that Petitioner's Motion, (ECF No. 88), to vacate, set aside, or correct judgment is DENIED, and this action is DISMISSED. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 6th day of December 2019.

/s/ Loretta C. Biggs
United States District Judge